

REMARKS

Claims 26-28 remain in the application.

The previous claims were rejected under 35 U.S.C. § 102(b) on U.S. Patent No. 5,212,349 to Pelzer, or under 35 U.S.C § 103(a) on Pelzer taken with U.S. Patent No. 5,532,598 to Clark, Jr. et al.

In the arrangement of the present application, the stripe polyethylene plastic material has a lower density than the duct polyethylene plastic material so that the stripe plastic material is softer and easier to cut into with a sharp tool to expose the wire that is covered by the stripe plastic material.

The duct and stripe polyethylene plastic materials are compatibly crosslinkable, and are crosslinked by way of simultaneous coextrusion so that the stripe plastic material is thoroughly fused with the duct plastic material.

The duct and stripe plastic materials also are of different colors to facilitate location of the wire that is embedded in the duct wall.

Pelzer does not disclose or suggest the concept of using a polyethylene for the wire covering stripe material that has a lower density than the duct polyethylene so that the stripe material is softer and easier to cut into for exposing the wire.

The *only* disclosure of materials in Pelzer is in lines 43-46 of column 5 wherein it is stated that the duct and filler (stripe) material are "made of the same synthetic plastic." The disclosure further provides that this same synthetic plastic is "preferably high density polyethylene."

Claim 11 of Pelzer provides that the duct and filler (stripe) material are "identical or similar." The patent specification does not use the term "similar" and provides no guidance whatsoever as to the meaning of the term in claim 11.

There is no basis whatsoever in Pelzer to suggest to a person of ordinary skill in the art that the term "similar" in claim 11 means that the filler (stripe) material is the same as the duct material (both being polyethylene), but that the filler (stripe) material has a lower density than the duct material so that it is easier to cut into for exposing the wire. This concept is disclosed only in the present application and not in the prior art. There simply is no justification for presuming that a person of ordinary skill in the art would come to the realization that the duct and filler (stripe) materials in Pelzer are of the same polyethylene material, but of different densities.

Pelzer distains coextruding the duct and wire - see lines 42-50 of column 1. Therefore, Pelzer forms a groove in the duct as it is being extruded or subsequently machines a groove in the duct, and then reheats the grooved area while the filler material is deposited in the groove over the wire. There is no teaching of how to insure that the conduit material is reheated to a high enough temperature to provide crosslinking of the duct and filler materials. Thorough crosslinking is assured in the present application by simultaneous coextrusion of the duct, wire and stripe.

Because the duct and filler materials in Pelzer are not coextruded, an "applicator" with a "molding surface" 126 in FIG. 9 is used to smooth out the filler material. The filler material obviously would be distinguishable from the duct material by reason of the manner in which the filler material is applied and smoothed out. Therefore, there is no reason why a person of

ordinary skill in the art would use different color plastic materials in the Pelzer duct as allegedly suggested by Clark, Jr. et al.

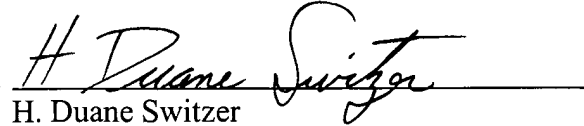
Pelzer also uses clamping collars with arcuate knife blades as more fully explained in Pelzer's related U.S. Patent No. 5,415,242. The blades are oriented generally perpendicular to the wire with the two blades spaced from one another axially of the duct. Pelzer uses a jumper wire between two collars for connecting the duct wires. Pelzer does not contemplate stripping the wire away from the conduit by cutting into the stripe material and there is no motivation to use a softer lower density polyethylene for the stripe.

Clark, Jr. et al provides a different color for a stripe of permanent magnet material on a duct to facilitate orientation of the conduit with the stripe facing upwardly. There is no teaching of providing a different color stripe for a softer plastic material that covers a wire for the purpose of locating where to cut into a duct to expose the wire that is encapsulated beneath the stripe.

In summary, the prior art does not disclose or suggest the concept of providing a polyethylene duct with a wire that is covered by a polyethylene stripe that has a lower density than the duct polyethylene to facilitate cutting into the duct wall along the stripe for exposing the wire. There is no prior art teaching of coextruding the duct, wire and stripe in order to thoroughly crosslink the duct and stripe polyethylene materials. There is no disclosure or teaching of using different colors for the duct and stripe plastic materials in order to facilitate the location of the wire so that the stripe can be cut into for exposing the wire.

This application is now in condition for allowance.

Respectfully submitted,

A handwritten signature in cursive script, reading "H. Duane Switzer", is written over a horizontal line.

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